

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

|   |   |            |
|---|---|------------|
| In the Matter of                                    | ) |            |
|   | ) |            |
| MCC Iowa LLC  | ) |            |
|   | ) | CSR-6858-E |
| Petition for Determination of Effective Competition | ) |            |
|   | ) |            |
| Jo Daviess, IL                                      | ) |            |
|   | ) |            |
|   | ) |            |

**MEMORANDUM OPINION AND ORDER**

**Adopted: February 27, 2007**

**Released: February 28, 2007**

By the Deputy Chief, Policy Division, Media Bureau:

**I. INTRODUCTION**

1. MCC Iowa LLC (“Mediacom”) has filed a petition with the Commission pursuant to Sections 76.7, 76.905(b)(1) and 76.907 of the Commission’s rules for a determination that Mediacom’s cable system serving the unincorporated, unnamed area of Jo Daviess County, Illinois is subject to effective competition pursuant to Section 623(a)(1) of the Communications Act of 1934, as amended (“Communications Act”) and is therefore exempt from cable rate regulation.<sup>1</sup> No opposition to the petition was filed. We grant the petition finding that Mediacom is subject to effective competition in this franchise area.

2. In the absence of a demonstration to the contrary, cable systems are presumed not to be subject to effective competition,<sup>2</sup> as the term is defined by Section 623(l) of the Communications Act of 1934, as amended, and Section 76.905 of the Commission’s rules.<sup>3</sup> The cable operator bears the burden of rebutting the presumption that effective competition does not exist with evidence that effective competition is present within the relevant franchise area.<sup>4</sup>

**II. DISCUSSION**

3. Section 623(l)(1)(A) of the Communications Act provides that the cable operator is subject to effective competition, and therefore exempt from cable rate regulation, if “fewer than 30

<sup>1</sup> 47 C.F.R. §§ 76.7, 76.905(b)(1), 76.907; 47 U.S.C. § 543(a)(1).

<sup>2</sup> 47 C.F.R. § 76.906.

<sup>3</sup> See 47 U.S.C. § 543 (l); 47 C.F.R. § 76.905.

<sup>4</sup> See 47 C.F.R. §§ 76.906 & 76.907.

percent of the households in the franchise area subscribe to the cable service of the cable system.”<sup>5</sup> Mediacom has provided information showing that in Jo Daviess County, Mediacom has 289 subscribers and the 2000 Census indicates that there are 9,218 households in Jo Daviess County.<sup>6</sup> Therefore 3.14 percent of the occupied households in Jo Daviess are Mediacom subscribers.<sup>7</sup> Accordingly, we conclude that Mediacom has demonstrated the existence of low penetration effective competition under our rules in the franchise area.

4. Accordingly, **IT IS ORDERED** that the petition filed by MCC Iowa LLC for a determination of effective competition in the unincorporated, unnamed area of Jo Daviess County, Illinois **IS GRANTED**.

5. **IT IS FURTHER ORDERED** that the certification to regulate basic cable service rates in the franchise area **IS REVOKED**.

6. This action is taken pursuant to delegated authority pursuant to Section 0.283 of the Commission’s rules.<sup>8</sup>

FEDERAL COMMUNICATIONS COMMISSION

Steven A. Broeckaert  
Deputy Chief, Policy Division, Media Bureau

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<sup>5</sup> 47 U.S.C. § 543(1)(1)(A).

<sup>6</sup> Mediacom Petition at 2 and Exhibit A. Mediacom states that for purposes of this petition, the Mediacom subscriber number is an estimate derived from Mediacom’s billing system using addresses to which Mediacom provides service. *Id.* at n.3.

<sup>7</sup> Mediacom Petition at 2.

<sup>8</sup> 47 C.F.R. § 0.283.